

2 LEONARDO M. RAPADAS  
United States Attorney  
3 ROSETTA L. SAN NICOLAS  
Assistant U.S. Attorney  
4 Sirena Plaza, Suite 500  
108 Hernan Cortez Avenue  
5 Hagåtña, Guam 96910  
Telephone: (671) 472-7332  
6 Fax: (671) 472-7334

Attorneys for United States of America

IN THE UNITED STATES DISTRICT COURT  
FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA, ) CRIMINAL CASE NO. 07-00075  
Plaintiff, )  
vs. )  
NATHANIEL DIAZ PUNZALAN, )  
Defendant. )  
)  
**SUBMISSION OF  
JURY INSTRUCTION**

The United States of America, by and through its undersigned counsel, hereby submits the following proposed jury instruction.

Dated this 12th day of August, 2008.

LEONARDO M. RAPADAS  
United States Attorney  
Districts of Guam and NMI

By: /s/ Rosetta L. San Nicolas  
ROSETTA L. SAN NICOLAS  
Assistant U.S. Attorney

1 INSTRUCTION NO. \_\_\_\_\_

2

3 **TESTIMONY OF WITNESSES INVOLVING SPECIAL CIRCUMSTANCES –**  
**IMMUNITY, BENEFITS, ACCOMPLICE, PLEA**

4

5 You have heard testimony from Richard J. Ichihara, a witness who has pled guilty to a  
6 crime. This guilty plea is not evidence against the defendant, and you may consider it only in  
7 determining this witness's believability.

8 For this reason, in evaluating Richard J. Ichihara's testimony, you should consider the  
9 extent to which or whether Richard J. Ichihara's testimony may have been influenced by this  
10 factor. In addition, you should examine Richard J. Ichihara's testimony with greater caution  
11 than that of other witnesses.

12

13

14

15

16

17

18

19

20

21

22

23

24 AUTHORITY: Manual of Model Jury Instructions for the  
25 Ninth Circuit, 2003 Ed., § 4.9

26

27

28